books or from digests, but are carefully selected for their full and authoritative presentation of the doctrines for which they are cited.

The first edition of this work was limited to what the author conceives to be agency proper, and did not deal with the relations of master and servant. In this edition, the whole field of agency, using that term in its ordinary sense, is covered. Accordingly this volume is divided into two books, the first of which presents the law of principal and agent, the second, the law of master and servant. Even Book First, however, which contains the substance of the first edition, has been carefully revised—indeed rewritten to a considerable extent; and Book Second is entirely new.

The author holds that the distinction between the law of principal and agent, and the law of master and servant, is fundamental; that it is disclosed "(1) in the nature of the act authorized, and (2) in the nature of the obligation resulting from the performance of the act, and (3) in the nature of the legal test fixing the constituents' (the principal's or the master's) liability for an act in excess of authority." Amplifying this statement, he declares that the act which the agent is authorized to do is one which results in the creation of a voluntary primary obligation or undertaking on the part of the principal, while the act which the servant is to do is one which does not result in the creation of a voluntary primary obligation, but may result in the breach of an existing one. In other words the agent's act generally subjects the principal to a contract liability; while the servant's act generally subjects the master to a tort liability, if any. Whether it is wise or even practicable to separate the law of master and servant from that of principal and agent, by so wide and deep a gulf as that mapped out by the author, seems doubtful to us. But there can be no doubt of the acumen and ability with which he maintains his views on this, as well as on every other topic in this volume.

AN EPITOME OF ROMAN LAW. By W. H. Hastings Kelke, M. A. London: Sweet & Maxwell. 1901. pp. vi, 268.

The requirement of some knowledge of Roman law in the English bar examinations has produced a number of cram books. Mr. Kelke's is a fair specimen of this sort of book. He has used on the whole, the best literature accessible in English and some of the best French treatises. He is also fairly familiar with the text. His book, by reason of its extreme condensation, contains many statements that would be misleading, and some that would be unintelligible, to a student who had not read fuller treatises or heard lectures. To persons, however, who know something about Roman law, the book will be useful for reference.

AN EPITOME OF LEADING CASES IN EQUITY FOUNDED ON WHITE AND TUDOR'S SELECTION. By W. H. Hastings Kelke, M. A. London: Sweet & Maxwell, Limited. 1901. pp. xx, 240.

This is the fourth volume of the series of epitomes which the author has published. With all deference we feel constrained to

say that Mr. Kelke would have performed a greater service for his profession if he had compiled a careful index to White and Tudor's cases. In this age of the digest a text-book which is not scientific in its treatment is a superfluity, and the author of this book has not made clear its justification. It has its good points—notably, very clear statements of many decisions—but how it can be of much aid to a beginner, a hope which its preface expresses, is not obvious. Mr. Kelke's method is largely that of enumeration, which is always cumbersome and unsatisfactory; and any usefulness the book might have in this country is decreased by the fact that many of the cases are discussed in relation to the Judicature Act and other English statutes. The book is also handicapped very greatly by an irritating use of abbreviations and an omission of words, unparalleled save in the other epitomes and in the conversation of the late Mr. Jingle.

FALSTAFF AND EQUITY: AN INTERPRETATION. By Charles E. Phelps. Cambridge: Houghton, Mifflin & Co. 1901. pp. xvi, 201.

This little volume, by the learned Baltimore judge whose name it bears, justifies its place in the lawyer's library as well as on the shelf of the student of Shakespere. It is a somewhat elaborate note on Falstaff's exclamation: "An the Prince and Poins be not two arrant cowards, there's no equity stirring" (1 Henry IV; Act II, Sc. 2), showing very clearly, as it seems to the writer, that the term equity was employed by the fat knight in the lawyer's and not the layman's sense of the term. It is a relief to find that "that old white-bearded satan" was not guilty of giving the Gadshill incident such a flat conclusion as the common interpretation of his words has fastened upon him. It is certainly easier to believe, as our author argues, that the words represent a "gag" having reference to the stir which certain notorious equity cases and the high-handed proceedings of Lord Chancellor Ellesmere were at the time creating, than that they have the merely conventional meaning, "there's no justice in the world." For the lawyer, the value of the little book lies in its spirited description of the bitter conflict between the law courts and Chancery and of the way in which justice was administered in the roaring times of Ellesmere, Coke and Popham.

That the commentary is a little too long drawn out would be a graver fault if the commentator had a less animated style; but animation of style is a doubtful virtue when it leads to such excesses as the unclassical phrases, "catch on to his [Falstaff's] curves" (p. 6), "megacephalic deliverance" (p. 78), and "lug in by the ears some 'forged quaint conceit'" (p. 150). In doubtful taste, also, and of more than doubtful value, is the egregiously flattering introduction from the hand of the Judge's Boston friend.

COMMENTARIES ON THE LAW OF NEGLIGENCE IN ALL RELATIONS. By Seymour D. Thompson, LL. D. Indianapolis: The Bowen-Merrill Company. 1901. pp. li, 1134.